



*Peñuelas Valley Landfill, LLC.
PO Box 918
Punta Santiago, PR 00741-0918*

November 24, 2017

Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
Caribbean Environmental Protection Division
US Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
Guaynabo, PR 00968-8069

2017 NOV 29 AM 9:32
RECEIVED
U.S. EPA
REGION 2

Director, Water Quality Area
Environmental Quality Board
PO Box 11488
San Juan, PR 00910

**Re: EPA's Review of Documents
Administrative Compliance Order
Docket Number CWA-02-2017-3103
NPDES Tracking Number PRR053203**

Dear Team Leader:

Peñuelas Valley Landfill (PVL) received advanced notification via electronic mail of the referenced correspondence. This was received late on September 15th and we immediately requested a meeting to discuss the matters presented. Unfortunately, such meeting was not possible because hurricane María arrived the evening of September 19th and caused great devastation. The original paper document was never received because the Punta Santiago Post Office was destroyed by the hurricane.

Peñuelas Valley Landfill requested additional time to respond to the matters presented in the letter. On November 1st Jaime Jaén and René Rodríguez of PVL held a meeting with Mr. Jaime López of your office to discuss the matters of this letter. We hereby present our response to the matters presented in the letter.

The Work Plan submitted pursuant to ACO Paragraph 63 did not include: best management practices ("BMPs") for erosion and sediments controls for the stabilization of exposed soils, as required by Part 2.1.2.5 of the MSGP4; a revised SWPPP for the Landfill to comply with Parts 4 and 5 of the 2015 MSGP; and the estimated costs for achieving compliance, including capital

costs of the proposed BMPs, including the operations and maintenance costs associated with any future plan developed as part of the Work Plan.

As part of the work plan PVL implemented all the recommendations presented by Mr. Jaime López during the inspection. The measures implemented include:

- Dredging of the main sedimentation pond to increase capacity and residence time. Approximately 10,370 cubic yards of material was removed.
- Installation of silt fences in key areas where soils had been disturbed.
- Installation of energy dissipaters in key areas where storm water run-off is discharged over earthen conveyance channels.
- Construction of check dams to slow down flow and reduce sedimentation that may flow to the sedimentation pond.
- Construction of an intermediate berm within the sedimentation pond to provide for change in flow direction and velocity.

The storm water pollution prevention plan (SWPPP) has been modified to reflect the changes made to the facility. A copy of the corresponding sections is enclosed.

The estimated cost of all activities listed above is \$16,020 in labor costs and \$5,340 in fuel costs. This work was performed in-house in extra hours. The estimated cost of the work, if it had been performed by an external contractor is \$103,700.

At this time PVL does not know if this is the final cost of implementation of measures to achieve compliance. Up until the arrival of hurricane María there had not been any discharge of storm water from the site. The amount of precipitation throughout the year did not cause a discharge and therefore there was no sampling possible. We are still in the process of attempting to collect samples during a discharge. Even though the hurricane generated discharges it was not possible to collect samples. As soon as we collect the information required we will be able to assess the effectiveness of the corrective measures.

PVL has not submitted the July 2017 MPR, as required by ACO Paragraph 64.

PVL had submitted to USEPA an "interim final report" in June 2017. In that progress report PVL stated that all activities identified in the work plan had been completed and no further action was to be done until such time there was a discharge that could be sampled in order to evaluate the effectiveness of the corrective measures. Regardless, after receipt of the above referenced communication PVL submitted an additional progress report explaining why there was no other progress report submitted.

PVL has not submitted documentation of the actions taken, pursuant to Part 6.2.2.3 of the 2015 MSGP, after exceeding the effluent limitation for TSS on the sampling performed on October 18, 2016, as required by ACO Paragraph 65.

PVL understands that all the corrective measures undertaken under the corrective action plan are conducive to addressing the exceedance of the TSS in the October 18, 2017 sample. Because there was no discharge after receiving those results there has been no way to determine if the corrective measures were effective.

In addition, EPA's review of the sampling performed on October 18, 2016 revealed that PVL also exceeded the effluent limitations for Benzoic Acid, Biochemical Oxygen Demand, and Zinc, and also failed to provide evidence that it had conducted follow-up monitoring for these parameters.⁶

Attachment 1 of this letter includes a table summarizing the effluent limits exceedances based on the laboratory report of analysis for the October 18, 2016 sampling event.

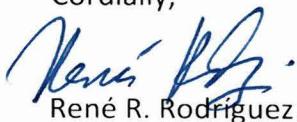
As has been mentioned before, it was not possible to do follow-up monitoring because of low precipitation and the fact that there was no discharge. We are in the process of attempting to collect samples during the next discharge event.

The statement below follows the requirements of the request for information. The questions and requested presented in the request for information are answered in the attached document.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Should you require additional information please contact Jaime Jaen on 787-391-0074 or René Rodríguez on 787-447-2717.

Cordially,



René R. Rodríguez

Director of Environmental Protection,
Health and Safety
EC Waste. LLC

- Any major spill of petroleum products will be managed in accordance with the facility's spill prevention plan (SPCC plan). A copy of the SPCC plan is to be available onsite at the supervisor's office.
- For major spills the site has available a vacuum truck that can be used to remove spilled liquids for safe management and disposal.

3.5 Erosion and Sediment Controls

The facility has one main sedimentation pond. The pond has an intermediate berm that diverts the flow of storm water and provides for additional residence and settling time before discharging to the final stage of the sedimentation pond. The overflow level of the discharge outlet piers is five feet above the bottom of the pond. All drainage ditches divert storm water flows to the sedimentation pond before leaving the site. Run-off enters the pond and flow velocity is reduced and water is discharged to the ephemeral stream through the pond's drainage structure. Because of the elevation of the discharge level not every rain event will generate a discharge. In most rain events, the run-off entering the pond will remain in the pond and will be reduced by infiltration and evaporation. The pond is also provided with an emergency spillway that handles extraordinary flows resulting from hurricanes and other large storm events. Other secondary sedimentation control features and structures are as follow:

- Concrete lined ditches
- Rock lined ditches
- Rock lined down-chutes
- Maintain 3:1 slopes to reduce water flow velocities
- Construction of benches on slopes in order to reduce the travel distance of run-off over slopes.
- Installation of sediment control nets at bottom of exposed slopes and key areas.
- Installation of energy dissipaters on unlined ditches to help reduce the flow velocity and reduce sedimentation flowing down to the sedimentation pond. Energy dissipaters may consist of rock barriers or small ponds or depressions along the drainage ditches.

3.6 Management of Runoff

Storm water runoff is controlled with channels, ditches, and the sedimentation pond that manages all storm water from the site. Additional sedimentation ponds may be constructed or existing pond modified as new cells are constructed.

Concrete channels are provided around the disposal cell to divert storm water and prevent erosion of cell slopes.

The sedimentation pond has an outlet structure that discharges storm water to the ephemeral stream outside the property. The overflow level of the pond is at five feet above the bottom and because of this not every rain event will generate a discharge.

Slopes are vegetated to minimize sediment generation from soil erosion. Slopes with exposed soil are provided with sediment control nets at the bottom.

See the site map for the location of pond and control measures.

3.7 Salt Storage Piles or Piles Containing Salt

Not applicable

3.8 MSGP Sector-Specific Non-Numeric Effluent Limits

No additional control measures will be implemented aside from those already described in this plan.

3.9 Employee Training

Training will be provided to all site employees based on their individual responsibilities. Team members for this SWPPP will be fully trained in all aspects of this plan and the applicable regulatory requirements. Training will be provided a minimum of once per year for each employee. Training will be provided as follow:

Team Members

- Full training on SWPPP
- Periodic inspections as required in SWPPP
- Regulatory matters related to storm water protection

Heavy Equipment Operators

- General knowledge of SWPPP
- Spill prevention and control
- Preventive maintenance
- Fueling operations

3.10 Non-Storm Water Discharges

There were no unauthorized non-storm water discharges detected at the site.

3.11 Waste, Garbage and Floatable Debris

Waste Disposal Areas / Landfill Working Face

SWPPP Peñuelas Valley Landfill, LLC. Version 4.0

Waste received for disposal will be deposited in the working face. The waste will be properly compacted and covered in accordance with the solid waste regulations. Suitable cover material, as authorized in the approved operations plan, will be placed over the compacted waste and all wastes received will be completely covered at the end of the day.

In order to prevent blown litter from having access to storm water run-off there will be litter control fences installed at key points around or downwind from the working face. The location of these portable litter control fences will be changed daily based on operational needs. Earthen berms may also be established in key areas to control wind exposure. These berms could substitute the use of litter control fences or could be used in parallel.

3.12 Dust Generation and Vehicle Tracking of Industrial Materials

The facility has a water truck that is used for dust control around the internal service roads. Water is obtained from the public utility and is sprayed over the roads for dust control.

Mud tracking is not a consideration because all roads are paved and there are more than 3 kilometers of paved roads before reaching the public roads. This extended paved road allows for mud to fall off the truck tires before exiting the site and before exiting into the public highway. This road is marked in the site map.

SECTION 4: SCHEDULES AND PROCEDURES FOR MONITORING

The following monitoring activities applicable to the facility:

- ☒ Quarterly benchmark monitoring
- ☒ Effluent limitations guidelines monitoring
- ☐ State or tribal specific monitoring
- ☐ Impaired waters monitoring
- ☐ Other monitoring required by EPA

For each type of monitoring, your SWPPP must include a description of:

1. **Sample Location(s).** Sample point is located downstream from the sedimentation pond outfall. Location is marked in the site map. Grab samples will be collected from qualifying storm events by the landfill supervisor. It is difficult to directly sample the outfall from the pond and the sample is collected downstream from the direct discharge. Between the outfall and the sampling point there are other sources of sedimentation from adjacent slopes and water shed area and another waste disposal site being developed. The sample is collected at the discharge pipe that exits through the bottom of the sedimentation pond dike.
2. **Pollutant Parameters to be Sampled.** Include a list of the pollutant parameters that will be sampled and the frequency of sampling for each parameter.